

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MELVIN RAY STANLEY #10669-04,

Plaintiff,

Hon. Gordon J. Quist

v.

Case No. 1:09-cv-00452

UNITED STATES OF AMERICA,

Defendant.

_____ /

REPORT AND RECOMMENDATION

This matter is before the Court on Movant's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody Pursuant to 28 U.S.C. §2255 (Dkt. 1), which was referred to the undersigned by the Honorable Gordon J. Quist for report and recommendation under 28 U.S.C. § 636(b)(1)(B). Having reviewed the withdrawal of the motion filed October 28, 2010 (Dkt. 32), the undersigned recommends that the motion be dismissed with prejudice as withdrawn.

Respectfully submitted,

Date: November 1, 2010

/s/ Ellen S. Carmody

ELLEN S. CARMODY

United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).